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Fourth
Supl
Statement
of Prior Art

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September 29, 2000

1-30-0
L. Sprout

VIA FEDERAL EXPRESS

Examiner Stephen Funk
United States Patent and Trademark
Office Group 2854
Room 9D35 - Crystal Plaza IV
Arlington, VA 22202

Re: *Bill L. Davis, et al*; United States 09/315,796
Our File No. Will 2501

Dear Examiner Funk:

Enclosed please find a Fourth Supplemental Statement of Prior Art and Other Information with Supporting Declaration of Prince.

Very truly yours,



Robert Hardy Falk

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RHF:acl
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue of Application of:
BILL L. DAVIS and JESSE S. WILLIAMSON

For Reissue of U. S. Patent 5,630,393
Issued May 20, 1997
Serial No. 08/515,097

Filing Date: May 20, 1999

Serial No: 09/315,796

For: COMBINED LITHOGRAPHIC/
FLEXOGRAPHIC PRINTING
APPARATUS AND PROCESS

FOURTH SUPPLEMENTAL STATEMENT OF
PRIOR ART AND OTHER INFORMATION

To: The Honorable Commission of
Patents and Trademarks
Washington, D.C. 20231

Sir:

On August 11, 1994 in the concurrent Dallas litigation, a deposition was taken of Steve Garner, former President of PRI. Garner disclosed the existence of a brochure of a Canadian company in the Providence of Quebec, RDP, which brochure Garner indicated he thought taught in the "mid-1990's" a press where flexo station could be put "at any point" (Garner Deposition, p. 36). Garner indicated protestors' counsel had been given the brochure long ago, and that he had put the brochure "in an envelope probably two years ago". Garner Deposition, p. 38.

Despite our repeated request of protestors' counsel to turn over any possible relevant prior art, we again had to request counsel for pertinent art not previously considered by the PTO, including the brochure. Weeks later, the RDP brochure was "found" and belatedly produced by counsel. The brochure thereafter used by PRI in the deposition of John Bird (September 12,

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U.S. PATENT & TRADEMARK OFFICE

2000).

Apparently Protestor PRI is playing a bizarre game - it is contending DeMoore and/or Rendlemen invented the '363 process -- and that if so reissue applicants' employer assigned the '363 process, WPC, is "infringing (count II)" its own patent -- but that if the PRI employees did not "invent" the '363 process, [it will contend] the '363 patent is invalid over the prior art.

Examination of the RDP brochure (**Exhibit A** of the Prince Fourth Supplemental Declaration, attached) shows no such clear interstation flexographic teaching. The brochure may indicate it was printed in August, 1994. Nowhere is it indicated in the brochure when the brochure is distributed to the public.

Reissue applicants contend that the brochure is clearly not prior art under 35 U.S.C. § 102(b).

Furthermore, for the reasons provided by expert Prince in his FOURTH SUPPLEMENTAL DECLARATION, the brochure is not material, regardless of when it was published -- which, again, is unknown. The brochure does not clearly teach interstation development of a flexographic step. Furthermore, no interstation drying step is taught for such a step. Finally no motivation is given the artisan why, in a web-press soup-can printing operation, an interstation flexographic station would be needed in 1994, or even desired.

A PTO-1449 form is attached.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the foregoing FOURTH SUPPLEMENTAL STATEMENT OF PRIOR ART AND OTHER INFORMATION was served on '363 Protectors' and '713 Patentees' counsel of record by placing a true and correct copy in the United States Mail, postage prepaid, on the 29th day of September, 2000, addressed as follows:

William D. Harris, Jr., Esq.
Locke Lidell & Sapp LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776

DRAFT - 44567

PATENT
Our File: Will 250

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue of Application of:
BILL L. DAVIS and JESSE S. WILLIAMSON

For Reissue of U. S. Patent 5,630,393
Issued May 20, 1997
Serial No. 08/515,097

Filing Date: May 20, 1999

Serial No: 09/315,796

For: **COMBINED LITHOGRAPHIC/
FLEXOGRAPHIC PRINTING
APPARATUS AND PROCESS**

Group Art Unit:
54
Examiner: Funk
2000
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FOURTH SUPPLEMENTAL DECLARATION OF RAYMOND J. PRINCE

I, Raymond J. Prince, declare and state under penalties of perjury the following.

1. I am the same Raymond J. Prince who has testified in previous declarations and wish to reaffirm my previous, sworn testimony.

2. I have been provided a copy of a brochure, Exhibit "A" hereto (the "RDP brochure") entitled "LF•200 Litho/Flex Press" by RDP Marathon, Inc., a foreign corporation said in the brochure to have been located at 2583 Chomedey Blvd., Laval (Montreal) Quebec H7T 2R2 Canada.

3. I am not sure from the brochure when it was printed, let alone distributed to the public. From the notation "94-08-5M", it appears 5000 copies might have been printed in August, 1994.

4. I have studied the RDP fold-out brochure, which when copied on 8-1/2" sheets amounts to six sheets and neither (a) the diagram on 1.6 above the heading "General Specifications" with the RDP addresses nor (b) the picture at the top of pages 2-4 teach a press having an interstation flexographic "station". The diagram on page 6 above "General Specifications" clearly shows a press with a flexographic station. The fold-out diagram (pp 2-4)

also does not teach, in my opinion a interstation flexographic step. The two canisters at the bottom of the diagram on pp 2-3 could be supplying any type of ink, grease, varnish, coating or other liquid. They canisters could be anything.

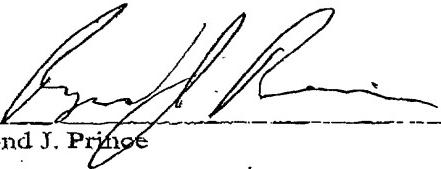
5. I note the language below the diagram at page 2 "interchangeable web offset and flexo graphic printing inserts. Does the quoted portion teach replacing any interstation offset unit with any interstation interchangeable flexo unit? Not, unless by hindsight. The picture on page 2 of the press could teach anything the reader wants it to teach by hindsight. It could read as showing a lithographic station and UV drying, or it could be read advantageously by an adversary of the '363 patent as teaching interstation flexography. No reason is given anywhere in the brochure why one would want to go "upstream", "up front" in a lithographic press with a flexo unit, as there is no express teaching of interstation drying for flexography, or for that matter, printing flexo on top of litho.

6. I called RDP in Canada and spoke to one of its representative. He said the press is still being made and is available in a 20" width with various cutoff lengths. I asked him if the flexo units are popular and the answer was yes. I asked if the flexo units were usually running waterbased materials or UV - answer was only UV inks or UV coatings. I asked the usual position of the flexo units - his answer was the last one or two units. I asked if they had ever made or sold a press with the flexo unit as the first unit - answer was no but he felt it could be done. I asked if the flexo units were ever placed mid press- answer was that he was not sure if they had ever done that. The representative told me he has never seen flexo run "up front", and seemed to be surprised at my question. I take it from my conversation with this Canadian national that he had never delivered an LF-200 with an interstation flexo unit need "up front" to a customer in the United States or elsewhere.

7. One must remember that this is a web packaging press in which heavy coverage is normally applied to low surface strength paper or board at the end of the printing process. The intended purpose for this press is *commodity packaging*, i.e., soup cans. Note the soup can

photos on page 5 of Exhibit "A". The purchaser of the press in late 1994 would have no reason to ever conceive by putting flexo down first to print a dot. In fact, the heavier coverages associated with the flexo process, in 1994, are and still today, best employed downstream.

The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.


Raymond J. Prince

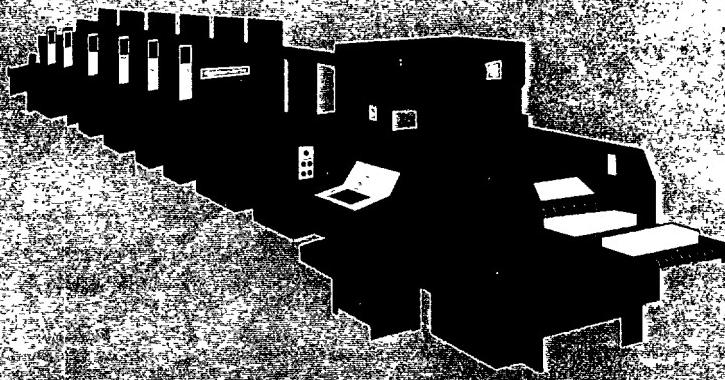
Date: 9/27/2000

FD-302 (Rev. 1-25-92)
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

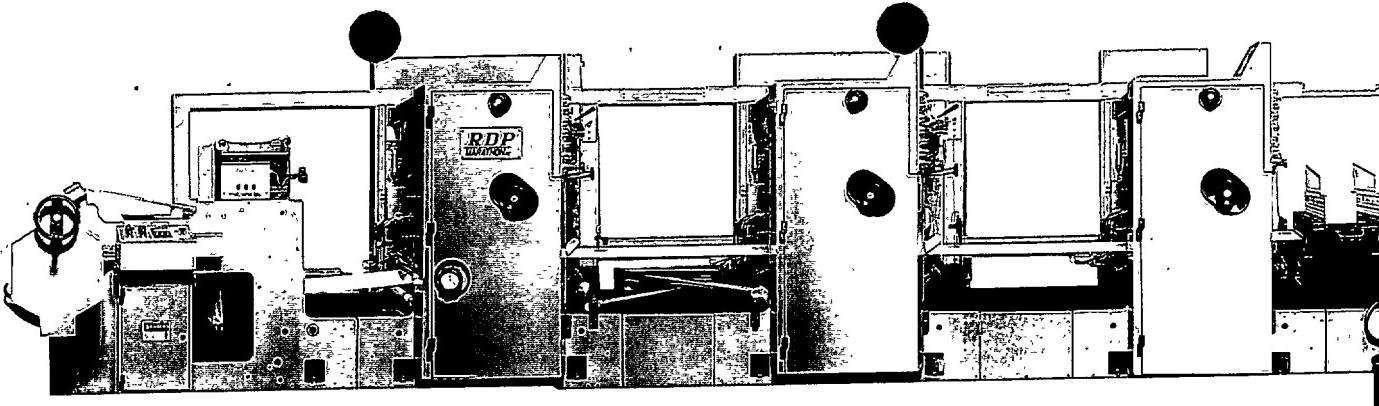
LE.200

LITHO/FLEXO PRESS

FOUR COLOR
PRINTING
AND
FOLDING



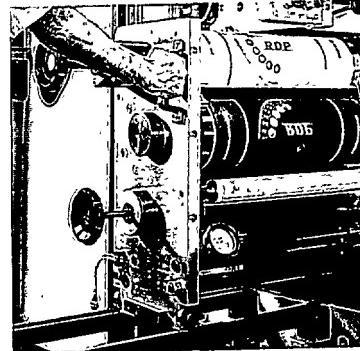
FOR LABELS AND FOLDING CARTONS



LF•200 LITE

The LF•200 litho/flexo combination press has been designed specifically to extend your reach into the label and folding carton market. Interchangeable web offset and flexo printing inserts—which change over in minutes without tools—provide the flexibility you need to keep production rates high. Cutoffs range from 14 to 28"/355 to 711mm, further increasing flexibility, and giving you the ability to bid on a wider range of work.

The LF•200 is available in configurations of up to 10 standard printing units with traditional finishing stations for punching, perforating, rewinding, sheeting, and folding. As a basic forms/label press, the LF•200 offers the best in narrow web offset technology. Add to this proven flexo capabilities, and you have a fast return on investment and a new capacity to compete!



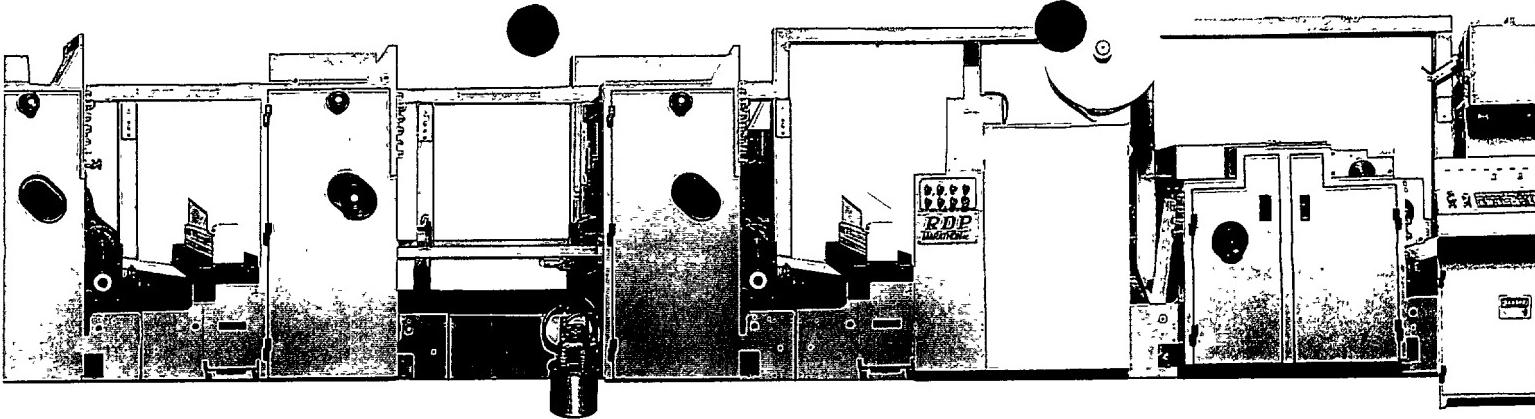
Flexo Station

In a flexo configuration, the LF•200 will print on film, fo paper, light paperboard, an pressure sensitive stock, wh achieving the high quality yo customers require. Standar finishing options include die cutting and UV or aqueous-l coating. Perforating and en stations are also availal

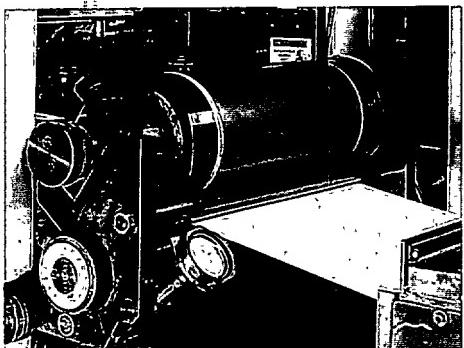
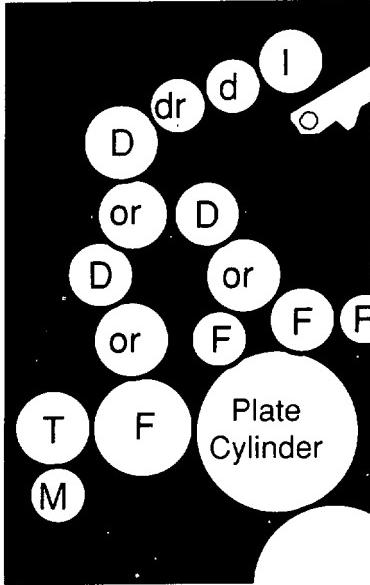
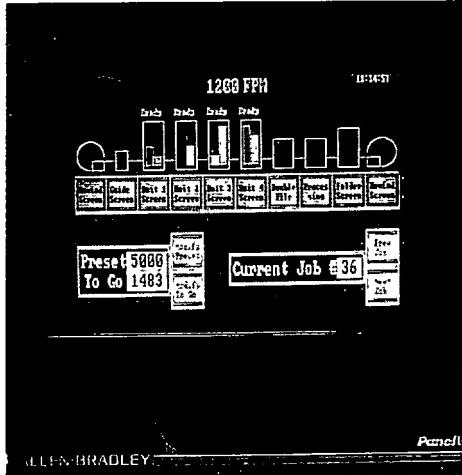
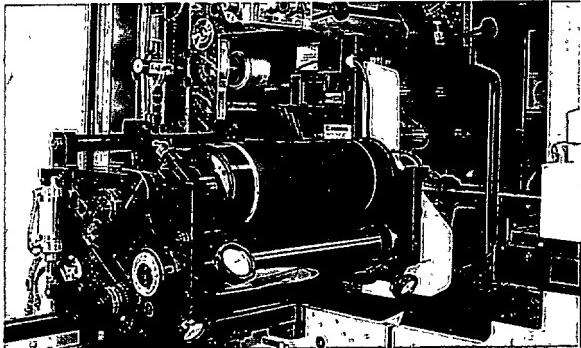
Changing over to flexo is safe, and easy. No tools are required. Roll-out cartridge trolleys allow you to make r or clean up off press for ma mum efficiency.

The LF•200 also gives yo ability to switch between a cor tional metering roll with rev angle doctor blade and a ful enclosed doctor blade. Choos

RDP
MARATHON^{inc.} RELIABLE DURABLE PRECISION



O/FLEXO CAP



most appropriate technique for the job at hand. Rigid stops eliminate plate bounce up to 800 fpm/244 mpm. Both linear and lateral register can be adjusted while running.

Flexo Station Specifications

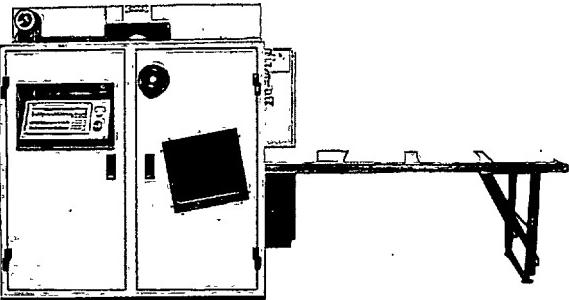
| | |
|--------------------------|--------------------|
| Maximum web width | 20.50" / 521mm |
| Side adjustment | 0.25" / 6mm |
| Linear adjustment | 360° |
| Plate repeat range | 12-24" / 305-610mm |
| Anilox roll size (circ.) | 17.00" / 432mm |

Simple operation

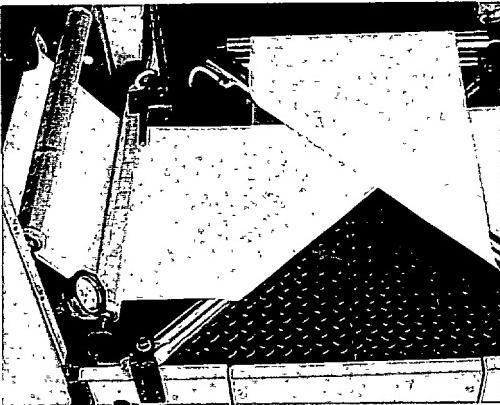
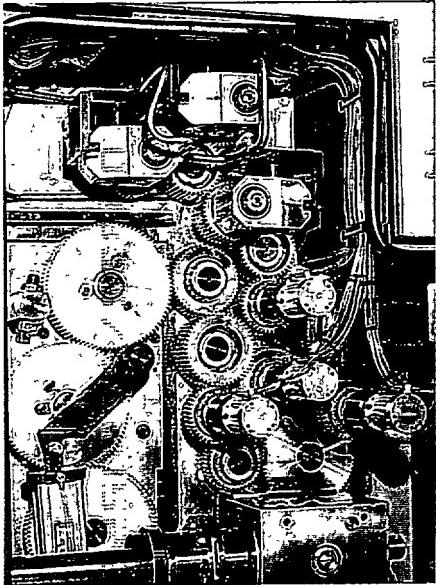
Your operators need simple, time-saving controls. Our electronic control system features an easy-to-read, easy-to-use touchscreen graphic display and provides central control of virtually all press functions *plus* integration with management software. Set-up is faster, it's easier to monitor the run, and production stays on schedule—all observable from the front office. Open ended architecture means this control system won't become obsolete: it can be simply and economically upgraded at any time.

High Speed

The Maraflo™ 3-form inker integrated dampener ensures commercial quality at speeds up to 1000 fpm/300 mpm. Hi speed, combined with fast make ready, makes the LF•200 extremely profitable on short and medium runs.



ABILITIES



Optional Equipment

- Automated ink key control
- Centralized register control
- Reversible die cut station
- Web monitor
- Turn bars
- Spiral folder
- Sheeter
- UV curing system
- Waterless ready
- Ink agitators
- Ink levelers
- And much more...



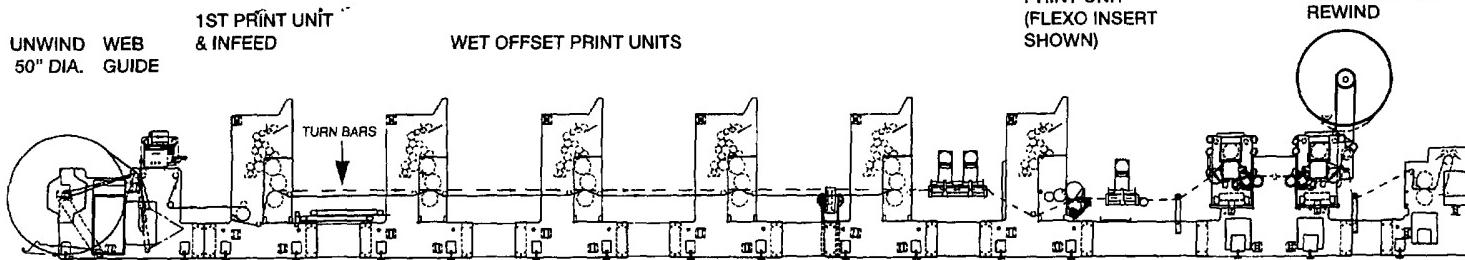
Rigid Construction

The LF•200 has been designed to run at maximum speed, shift after shift. Steel side frames ensure a stable press which contributes both to durability and to more accurate impressions. Meticulous machining of the AGMA 12 gear train contributes as well to reliable high performance. Listen to the LF•200 in operation—it doesn't roar; it whispers!

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een a con
oll with rev
ade and a ful
or blade. Choos



Maxim
Side adjus
Linear adjus
Plate repeat
Anilox roll size



General Specifications*

| | Inches | mm |
|---------------------|----------|------------|
| Maximum web width | 20.50 | 521 |
| Maximum print width | 20.00 | 508 |
| Side adjustment | 0.25 | 6.0 |
| Linear adjustment | 360° | |
| Litho repeat range | 14 to 28 | 355 to 711 |
| Flexo repeat range | 12 to 24 | 305 to 610 |

*Specifications are subject to change without notice.

Quality built for the long run from RDP Marathon Inc.

RDP Marathon specializes in technical and custom engineering dedicated to quality web printers. Our goal is to serve your needs in both traditional and innovative product areas. In response to the competitive challenges you face today—and will face in the future—our family of presses offers a wide range of capabilities supported by the creative thinking that enhances your productive capacity. The SR•200, the RDP•200, and RDP•300 series of presses provide printers with the ability to serve existing markets while exploring rapidly emerging value-added segments.

The standard of excellence established by engineering is maintained in the making of our presses, so that the high quality printer is assured of reliability, durability, and precision. We will settle for no less than your complete satisfaction with every RDP Marathon press—from customization, through installation, to after sale support.

RDP Marathon Inc.
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Quebec H7T 2R2 Canada
Phone: (514) 687-7262 Fax: (514) 687-2558

